

Mr. M. K. Ananthasiva Aiyar : May I know whether the proof readers are able to correct the inconsistencies contained in these books?

Mr. M. K. Nilakanta Aiyar : No, Sir.

Mr. M. K. Ananthasiva Aiyar : May I know whether the Government are aware that there are inconsistencies in these books?

Mr. M. K. Nilakanta Aiyar : Certain mis-statements have been brought to the notice of Government and the attention of the Director of Public Instruction has been drawn to them.

Mr. V. S. Arumukham Pillai (*Tovala cum Agasteeswaram*): Are there not several sub-committees formed for the purpose of preparing these readers?

Mr. M. K. Nilakanta Aiyar : Yes. These sub-committees work directly under the Director of Public Instruction.

Mr. M. K. Ananthasiva Aiyar : Are they not responsible for the correction?

Mr. M. K. Nilakanta Aiyar : The honourable member is correct.

Mr. V. S. Arumukham Pillai : Are they paid any honorarium?

Mr. M. K. Nilakanta Aiyar : Yes, they are paid some honorarium.

President : The question before the House is that Government be granted a sum of Rs. 50,000 under Demand XXVII—Stationery and Printing, under item 'Printing of Malayalam Readers and Copy Books.'

The motion was put and carried.

The grant was made.

Mr. Puthupally S. Krishna Pillai : I request you, Sir, to exercise your powers in effecting some change in the order of the business for the day. I would suggest that the report of the Public Service Commissioner be taken up for consideration first and the report of the Public Accounts Committee taken as the last item.

President : I am in the hands of the House.

The motion was put and carried.

DISCUSSION OF THE REPORT ON THE WORKING OF THE PUBLIC SERVICE RECRUITMENT RULES.

Dr. G. D. Nokes (*Public Service Commissioner*): Sir, I move that the Report on the working of the Public Service Recruitment Rules be taken into consideration.

[Dr. G. D. Nokes.]

In making that motion I have a few preliminary remarks to make. I would remind the House that the Government order of June 1935 provided in its final paragraph that the scheme outlined there should be worked for three years, after which it should be reviewed. The order did not provide that the scheme should be reviewed by the Legislature and in fact the final review must rest with Government. But Government thought it desirable to consult the Legislature, and to give it an opportunity of considering this important matter, and so the Report of the Public Service Commissioner to Government has been printed and circulated among the members of the House. In addition to the information contained in that report and previous administration reports which are in the possession of the members of the House, certain statistics showing at a particular date the number of candidates who having been recruited on the advice of my office, were then in service, have also been prepared by the departments and consolidated by my office. They have been printed and circulated among the members of the House. Further, the Administration Report of the Public Service Department for 1114 was prepared with special expedition so that Government have had an opportunity of passing orders on it. That report has also been printed and circulated for the use of the members of the House. The position therefore is that the members of the House have in their possession all the relevant facts and figures which may enable them to consider the problem before them.

It is a matter of common knowledge that in another place the Report on the working of the Rules has been considered and certain unanimous resolutions have been reached. It is not for me to suggest what resolutions this House should pass. But before Government pass any final order on this matter, it would be desirable that there should be unanimity of opinion not only within both Houses but between both Houses.

From the press and elsewhere it appears that there is some dissatisfaction with regard to the working of the existing Rules. I think, for the purpose of this debate, members might bear in mind the following points. In the first place, the original Rules, as framed, were framed, with the knowledge that it is difficult to satisfy everybody. Therefore I do not regard it as a reflection on the working of my department that it fails to satisfy everybody. Indeed, I should regard it as a miracle if it did so.

Secondly, a great change has occurred in the character of the criticism of the Rules. At one time every speaker was solely interested in communal representation; and nearly all comment was

directed to complaints that inadequate communal representation was allotted to this community or that sub-community. Now the principal criticism abandons the community in favour of the candidate without any apparent realisation of the fact that one may sometimes have to be sacrificed to the other. Hence the fact that the hitherto unrepresented communities have received about 65 per cent. of the available vacancies during the last three years is forgotten; and we hear the stories of the hardships of candidates. It may be that some hardship may be caused to a few candidates by the working of the Rules. But have members considered the hardships before the existence of the Rules which nearly every candidate underwent, by having to wait on numerous appointing authorities, to say no more?

Finally, I may say that the dissatisfaction (if there be any that is justifiable) with the working of the Rules is probably not due to the Rules at all. It is due to factors outside the Rules. If members peruse the figures in the various Reports, they will find that there are over 30,000 candidates registered in my office and all seeking appointments but the number of vacancies in appointments recruited on my advice is approximately 1,500 each year. That means that between 20 and 30 thousand candidates are disappointed not with the general working of the Rules but because they cannot get an appointment. Whatever change is made, you will still have that regrettable economic factor to contend with. But however regrettable it is that thousands of candidates should find it necessary to seek appointments which do not exist and however sympathetic one may be to candidates, the fact remains that there are about 30,000 candidates while the number of annual vacancies (mostly fairly short) is only about 1,500. No fair-minded man could describe that circumstance as a defect in the Rules.

With these few observations I commend the material before the members to their consideration, and leave it to them to decide as to what should be done in future in regard to Public Service recruitment.

Mr. Kottur Kunjukrishna Pillai: I wish to get the permission of the Chair to move the following resolution for which the required notice could not be given. The motion is:

"This Council recommends to Government that the motions reported to have been passed in another place regarding the Public Service Recruitment Rules be adopted."

Sir, the Secretary to the Sri Mulam Assembly has placed before us the following motions passed in another place. I wish to move them formally for the adoption by this House.

"1. Public Service may be defined as in the T. S. R. Manual with the following alterations....."

President: The honourable member may take them* as read.

Mr. Kottur Kunjukrishna Pillai: If this can be taken as read, then I wish to place before the House the salient features of the changes sought to be effected by them which are 15 in number. As the Public Service Commissioner has pointed out, the appointment of the Public Service Commissioner and the promulgation of the rules for the recruitment in the Public Service have been made as an experiment and nobody expected that there will be complete satisfaction or unanimity of opinion regarding their working. That point can be agreed to. But I find it difficult to agree with the Public Service Commissioner——

President: Those honourable members who want to participate in this debate will kindly give their names so that it may facilitate discussion.

Mr. Kottur Kunjukrishna Pillai: Whether it has been the result of the working of the rules, whether the fault is to be levelled against the individuals or officers, it cannot be denied that there are certain difficulties in the working of the rules and that is the reason why in the light of the experience that we have gained and in the light of the facts contained in the publication by the Public Service Department that the following changes in the Public Service Recruitment Rules have been suggested,

I wish to point out as an example only one instance in which I consider that the Public Service Commissioner's Department has failed, *i. e.*, regarding recruitment to the Intermediate grade. It has been provided under the rules that 60 o/o of the appointments to the Intermediate grade should be by competitive test and 40 per cent recruited from certain communities only on the basis of merit, Certain communities which are considered to be over-represented are excluded from this. We find as a result of the working of the Public Service Commissioner's Department that certain number of vacancies have been indicated by the various departments and it is found that indications given by the departments have been an over-estimate and as a result of the over-estimation of vacancies the Public Service Commissioner, before he was able to completely exhaust the 60 per cent. of the vacancies that have been indicated by the various departments, the whole of the real vacancies have been exhausted. He points out in his report in a way that the responsibility for it rests with the various departmental heads who over-estimated the vacancies. I do not think it is fair to the departmental heads because nobody could give the exact number of vacancies

*The reference is the motion passed by the Assembly—*Vide* Annexure II.3

arising out of leave, sickness and other things. So it is likely that the Public Service Commissioner ought to have known that the figures that he will get will not be exact or accurate. Granting that there has been a perceptible over-estimation of the vacancies in the Intermediate grade, I fail to see why the Public Service Commissioner has not given alternative appointments as and when the vacancies occur; one or two candidates chosen for the 60 per cent group and alternating one from the forty per cent. group.

Dr. G. D. Nokes : The rules do not provide for it.

Mr. Kottur Kunjukrishna Pillai : The Public Service Commissioner could certainly have asked for the change of the rule for the maintenance of the ratio for the representation of the various communities. Many changes have been effected by the Public Service Commissioner when such changes were required in the past. So that, what I am at is that the Public Service Commissioner has not perfectly absolved himself of his responsibility in rectifying this mistake which has now been found to be one of the gravest in the working of the Public Service Recruitment Rules under a single Commissioner and for which the Public Service Commissioner is solely responsible. When we were discussing the changes that we should effect in regard to recruitment in the public service, this question came up and this was a knotty question that we had to tackle with and most of our time was taken on account of the fact that there existed this wrong due to negligence which should have been removed. It is no use saying that it is caused because of the over-estimation of vacancies by the departmental heads. That is a way of avoiding the responsibility. But the responsibility of the Public Service Commissioner and his department cannot be evaded by saying that there was over-estimation.

Dr. G. D. Nokes : Sir, on a point of personal explanation. There is no indication in the report that I find fault with any departmental head for the over estimation of vacancies. I gave two examples of over-estimation in the Report ; but they are comparatively exceptional ; that is to say, they represent a very small proportion of the large number of selective tests, where no difficulty has arisen. The one which I now refer to is the worse of the two, and that relates to vacancies of clerks on Rs 20. For that appointment a second estimate was prepared before the new order was framed permitting departmental heads to make appointments in short vacancies which are less than one month in duration. They are probably twice the number of those to which candidates are recruited on the advice of my office in this particular type of appointment. The result was that both estimates included a large number of such vacancies, and that they could not be omitted or

taken out from the second estimate at the time of the publication of the estimate, because the relevant order was not then passed. There is nothing contained in my Report to suggest complaints against departmental heads, and I may modestly say that I am not prepared to take any blame myself. The occasion for remedying the Rules on major points has been expressly deferred until the present and paragraph 12 of the Report itself refers to an interim remedy.

Mr. Kottur Kunjukrishna Pillai : That is the impression that I was able to gather from a reading of the report. But I am glad to know that the Public Service Commissioner had no such intention. He may or he may not agree to take the blame on himself. But I wish to point out that the blame can be fixed on him and him alone. It was his duty to point out the necessity for a change in the rules so that the 60 per cent and the 40 per cent in the Intermediate Division could be filled alternatively to avoid any injustice to anybody. It is found as a result of the working of the rules that all the 40 per cent of the vacancies which are to go to unrepresented communities have not been filled and an impression has unnecessarily gained ground that it is done with a design whereas it was done as a result of negligence or want of proper action at the required time. This, I point out as an example. I may be able to point out other examples of patent defects in the working of the Public Service Department. But I do not think it is necessary at this stage because after all we are now considering the question of changing the system as it now subsists and therefore I shall merely indicate the changes completed by the motion moved by me.

Mr. M. Govindan (Nominated) : Sir, may I know whether all these motions are to be taken together?

President : That is entirely in the hands of the House. If the House wishes the motions to be debated and put to vote one by one, that procedure can be followed. That is entirely for the House to decide. Is it the sense of the House that they may be taken and voted upon one by one?

Mr. K. K. Kuruvilla : I think, Sir, that we may have a general discussion.

President : That is what I thought, because judging from what has been spoken elsewhere and also from what may be called general comments in public, these modifications or suggestions which have been moved in the form of resolution more or less hang together and represent, so far as one can judge, the result of a compromise. Viewed in that line, there may be various difficulties in propositions being voted upon one after the other. If one proposition is thrown out there may be the repercussion relating to some other

aspects. But this House is entitled to take any line of action it chooses. Therefore I leave it to the House. If they want a general discussion and at the end take votes on proposition by proposition, it may be decided upon by the House according to its convenience. If the members so desire, I shall allow a general discussion and then put motion by motion to vote.

Mr. Kottur Kunjukrishna Pillai : Sir, the main principles adopted here are these. It has been agreed by these motions that the principle of communal representation be extended to what was known as the Intermediate Grade also and that representation should be on the basis of population of each community. The total number of appointments being supposed to be 51, the seats have been divided as one per lakh and as one for any population that is over 50,000. The next change that has been suggested in the scheme is what may be called a concentric rotation if I may say so with regard to the distribution of appointments. First, the communities are divided on the basis of religion *viz.*, Hindus, Christians and Muslims. The Hindus get 31 seats, the Christians 16 and Muslims 4. Nobody has claimed anything more than representation on the basis of population. Then these communities are subdivided into various sub groups and appointments are divided on the basis of population. Finally we have suggested that the whole of the Public Service Recruitment Rules should be worked by a Public Service Commissioner who will be an officer of high status. There will also be an advisory committee consisting of the representatives of the important communities in the State to advise the Commissioner. Sir, it may be asked why there should be a committee to assist the Commissioner who will be an officer of high status. My preliminary criticism regarding the working of the Public Service Recruitment Rules was made with a view to implement the argument with regard to the advisory committee. Everybody has agreed that the present Public Service Commissioner is a man of absolute integrity and impartiality; but all the same defects have crept in. It would be well if representatives of various communities and peoples who are interested in this matter are there to advise the Commissioner, to point out to him, to represent to him the difficulties evidenced as the rules are being worked. The rules cannot be worked without any regard to the local circumstances or to the difficulties attendant on them. Moreover, various charges against the working of the Public Service Commissioner's department are made, I feel Sir, that they are made on account of ignorance, on account of the fact that the real state of affairs have not been understood properly. Much of the criticisms, much of the uncharitable attribution of motives or other things can be avoided if there is a small body of men who would look into the matter and see to the working of the machinery at close quarters.

Mr. M. K. Ananthasiva Aiyar : May I ask whether such uncharitable remarks could not be attributed even against such committee also ?

Mr. Kottur Kunjukrishna Pillai : Of course it may be made by irresponsible men against any device that we can think of in this world. It is not for such people this machinery is suggested. It is suggested for the satisfaction of the ordinary normal individual in the State, who has genuine and real grievances. Only those persons need be taken into account. We will find that when the machinery is worked under the supervision of such a committee there will be less chance of unfair criticism and people who are in the know of things, who scrutinise closely the working of this committee will be able to remove misunderstandings. It is with a view to create confidence in the working of the department, with a view to avoid unnecessary and avoidable criticism based on misapprehension that the committee has been suggested. This arrangement also cannot be claimed to be perfect. I do not mean to say that it will be worked without any difficulty or that it will be the ideal. It is therefore suggested that the above rules shall be in force for the next three years at the end of which period the position shall be reviewed by the Government in the light of conditions then existing.

So then, we are passing from one experiment to another. We have suggested these changes in the light of the experience we have gained by the working of the rules for the past three years. If this arrangement is worked for the next three years, I think there is enough in this to give the rules a chance of trial, especially because of the fact that this is the result of a compromise that has been arrived at between the various interests who are concerned in this problem. I hope Sir, that the motion will have the same reception that it had elsewhere. With these words I resume my seat.

Mr. M. Govindan : Sir, I support the motion made by Mr. Kottur Kunjukrishna Pillai on the floor of the House. In doing so I wish to point out that the idea underlying the Recruitment Rules when they were first promulgated was to give equal opportunities to all communities by removing the glaring inequalities in the representation of the various communities in the public services of the county. The rules as they originally stood did not go any great length in removing the real grievances. The objects of giving equal opportunities and to secure fair representation in the services — these could not be achieved by the original set of rules. There were rules and there were certain exceptions. The unsatisfactory result is due partly to the manner in which those rules were worked but the blame cannot be laid at the door of the Public Service Commissioner. The fact that the rules produced very unsatisfactory results is true. It is attributable to the vagueness of

the rules as they stand. The difficulties can be avoided if definite rules are made and they are worked to the satisfaction of the communities concerned. If by the working of the rules opportunities and fair representation to all communities can be achieved, I mean important communities, within a measurable distance of time, everything would be satisfactory. As Mr. Kunjukrishna Pillai said, the communities who claimed representation were basing their claim upon their numerical strength and as such a fair ratio based on the numerical strength of the communities—

Mr. Kochikal P. Balakrishnan Tampi : May I know from the member whether the claim is based on the numerical strength of the educated people of a particular community?

Mr. M. Govindan : No, Sir. I may assure my honourable friend that if there is only one England-returned qualified Pulaya graduate, on the mere ground that there are not other members in that community who are educated he should not be refused appointment. It is not the total number of educated men that counts in this matter. But it is the particular candidate that is forthcoming whether he is qualified or not, that alone should be considered. But the representation of a man's community is based on another ground. Every important community must have a due share in the administration of the country. It is only a claim for a share of power. Desire for power is inherent in man. The claim that is put forward for a share in the administration is based on the total population of the communities. The educated men do not form one community for the purpose of representation. That is my answer to the honourable member's question.

Mr. Kochikal P. Balakrishnan Tampi : May I know whether there is any such classification in England or Ireland?

Mr. M. Govindan : I am not aware.

The point I want to urge here is this. The fact that these rules did not work satisfactorily will be clear from the illustration given by my friend Mr. Kottur Kunjukrishna Pillai namely the rules relating to 60 per cent. and the 40 per cent. and their working. This 40 per cent. rule was introduced with a view to give adequate representation to certain inadequately represented communities. It so happened that the three years working of the Recruitment Rules has not resulted in a single appointment being given—if I understand the report correctly—to those communities under the 40 per cent. rule. The 60 per cent. rule was able to be worked correctly. It is certainly not the fault of the Public Service Commissioner and there I differ from my friend. The failure of the 40 per cent. rule could not be attributed to the fault of the Departmental

[Mr. M. Govindan.]

Heads either. The fact appears to be that they wanted to be on the safer side. They over-estimated the number of vacancies in every case. The result was that the 40 per cent. rule did not work successfully. We are now directly concerned only with the result. The result has been that the claims of unrepresented communities could not be considered. The main object kept in view in the promulgation of those rules has not been achieved in any measure and as I said before I do not blame the Heads of Departments for the simple reason that the figures could be supplied only in anticipation. No departmental head could be credited with sufficient prophetic vision in arriving at the correct figures of future vacancies with mathematical exactitude. As my friend Mr. Kottur Kunjukrishna Pillai pointed out, some change could have been made in the practical application of the rules by applying the 60 per cent. and 40 per cent. rule in turns. This suggestion could have emanated from the Public Service Commissioner himself in view of the unsatisfactory working of the rules. I am not aware whether the Public Service Commissioner suggested it and was not carried out by the authorities. But I am sure that it should not have taken three full years for finding out that the 40 per cent. rule has not been working at all satisfactorily.

Dr. G. D. Nokes : Sir, I think, for the benefit of the members of the House, I had better explain the working of the 40 per cent. and 60 per cent. of Intermediate Division appointments, so that the members' apprehensions on the subject may be cleared. The number of selective tests held during the three years is over 300. Among these, there were only two serious cases of over-estimation. By the working of the 40 per cent. reservation for the inadequately represented communities, qualified candidates from these communities have been selected and nominated. As regards the appointment of clerks on Rs. 20, the position is this. There were two lists of selected candidates. The first list has been exhausted. It contained 510 candidates. 60 per cent. of these, namely 306, were first selected and have been advised for recruitment. The remaining 40 per cent. namely 204, (all from the inadequately represented communities) also have been advised for recruitment. From the second list of 348 candidates, which is now in use, about 100 candidates have been advised for appointment. What I have stated in my previous annual reports is that any postponement of recruitment of members of inadequately represented communities by the present Intermediate Division system—that is 60 per cent. of appointments by merit and 40 per cent. by reservation—is being cured in

Mr. Thomas Chandy Mukkadan : സർ ശതമാനവും നാല്പതു ശതമാനവും എന്നുള്ളതു വ്യത്യാസപ്പെടുത്തണമെന്നു മെമ്പർക്കു കീഴായമുണ്ടോ?

Mr. M. Govindan : As I have pointed out already, this is a matter which has to be taken as a whole ; for the sake of agreement between the different communities, we have to sink our own opinions however strong they may be. I am sure everyone will agree that special preference should be given to the inadequately represented communities until there is a general equalisation of representation ; and this equalisation has to be brought about within reasonable time. Certainly, if now the over-represented communities are asked to keep out till such equalisation is brought about, it would be a short cut and the inequalities would be remedied quicker ; but that would involve great hardship to the over-represented communities. We cannot punish them for the sins committed by their forefathers. Perhaps, in those days, only members of those communities had the necessary qualifications and the willingness to enter public service ; that was not their fault. It is therefore not fair that we give room for hardship to the members of the over-represented communities.

Sir, it is as a matter of compromise that we have come to the conclusion that numerical strength shall be taken as the standard. I do not deny that there is some hardship caused to the educated members of the better represented communities. But, Sir, in the interests of peace, for the sake of the general progress of the country, something has to be suffered ; some hopes have to be given up, some expectations defeated. Sir, even if we go by numerical strength, it will take about 25 years for equalisation to be reached. Elsewhere, rules have been so framed as to enable equalisation being achieved in 7 years. But, those are matters which the Government may keep in view in making appointments.

In regard to the machinery, my own impression is that if conditions were different one efficient Commissioner like the present one ought to have sufficed ; but, for conditions obtaining in Travancore, that would not suffice ; we do require an advisory board. Because, it is most important that we should inspire confidence in the public mind even in regard to the manner in which the rules are worked. Recruitment is a matter in which every one, every community is so much interested, especially in these days of unemployment. That is the reason why people view everything with suspicion, and attribute motives to every officer, in regard to every appointment. It is therefore better that all appointments are made with the knowledge of the leaders of all communities.

Mr. Thomas Chandy Mukkadan : ഇപ്പോഴത്തെ പബ്ളിക് സർവ്വീസ് കമ്മീഷണറെ ഉപദേശിക്കുന്നതിനായി ഒരു ഉപദേശക കമ്മിറ്റി നിയമിതമായാൽ അത് കൂടുതൽ സമുദായവഴക്കിനെ ഉളവാക്കുന്നതിന് പര്യാപ്തമായി ഭവിക്കയില്ലേ?

Mr. M. Govindan : കൂടുതൽ സമുദായവഴക്കിനെ ഉളവാക്കാൻ പര്യാപ്തമായി തീരുകയില്ലെന്നാണ് ഞാൻ വിചാരിക്കുന്നത്. എല്ലാസമുദായത്തിലുമുള്ള ആളുകളെ അതിൽ സഹകരിപ്പിക്കുയാണെങ്കിൽ എന്തെല്ലാമാണ് അവിടെ നടക്കുന്നതെന്ന വിവരം ശരിയായി ധരിക്കാനും ആ വിവരം ജനങ്ങളുടെ ഇടയിൽ പ്രചരിക്കാനും ഇടയാകും. അങ്ങിനെ വരുമ്പോൾ കൂടുതൽ കഴപ്പമുണ്ടാകാനിടയില്ല.

Mr. Thomas Chandy Mukkadan : ഇപ്പോഴത്തെ ഉദ്യോഗസ്ഥന്മാർ വർഗ്ഗീയ ചിന്തകൂടാതെയും കൂടുതൽ കാതൃക്ഷമമായും ജോലി നിർവഹിക്കുന്നതുകൊണ്ട് അവരെ പബ്ലിക് സർവീസ് കമ്മീഷണരുടെ ഉപദേശക സമിതിയിൽ നിയമിച്ചാൽ കാതൃക്ഷമതയ്ക്കു മതിയാകുമെന്ന് വിചാരിക്കുന്നുണ്ടോ?

Mr. M. Govindan : ചോദ്യത്തിന്റെ ഭൈഷ്യം കൊണ്ട് എനിക്കു മനസ്സിലാക്കാൻ സാധിക്കുന്നില്ല.

Mr. Thomas Chandy Mukkadan : ഡിപ്പാർട്ട്മെന്റു ഓഫീസന്മാരെ ഉപദേശകസമിതിയിലെ അംഗങ്ങളാക്കിയാൽ കാതൃക്ഷമതയ്ക്കു മതിയാകുമോ?

Mr. M. Govindan : കാതൃക്ഷമതയുണ്ടെന്നു ജനങ്ങളെ ധരിപ്പിക്കേണ്ട ചുമതലകൂടി ഉള്ളതുകൊണ്ട് അത് തീരെ മതിയാകയില്ല.

Sir, one of the important features of the changes now introduced, is the abolition of the competitive test. This competitive test is a very dangerous thing. The sooner it is abolished the better ; because, as I have stated already, there is so much interest involved in the matter that it is very difficult to have a really fair competitive test under the conditions obtaining in this country.

Mr. M. K. Ananthasiva Aiyar : May I know the special difficulties involved in holding competitive tests?

Mr. M. Govindan : I would rather not go into ugly details in this House ; everybody knows them ; Mr. Ananthasiva Aiyar himself knows them. As I said, the fact remains that, in the case of almost every appointment, all manner of motives are attributed to the appointing authorities. That is the difficulty in this country. At least to overcome such unfounded accusations made against responsible officers, these tests deserve to be abolished.

Now the question will arise as to how selection is to be made when, from the same community, there are many forthcoming with identical examination qualifications. I would suggest that the marks obtained by the candidates, at the School Final Examination or the University Examination as the case may be, should guide the choice.

[Mr. M. Govindan]

Then, the further question will arise whether it would be fair to compare marks obtained in one year with those obtained in another year.

President: Ultimately it will all end in some discretion being exercised in the choice; because, it is not practicable to get the marks obtained in some German University or American University—

Mr. M. Govindan: I am now dealing with appointments below Rs. 150.

President: Even for those appointments, men with foreign qualifications are applying.

Mr. M. Govindan: Those are matters of detail which perhaps Government can solve by providing supplemental rules.

Mr. G. Narayana Aiyar: Are there not such competitive tests held in other places?

Mr. M. Govindan: I am not aware of the conditions obtaining elsewhere; but, the conditions in Travancore do not warrant a competitive test.

As for the question put by the Chair about the difficulty in our getting the marks obtained by the candidates in foreign Universities.

President: There will be difficulty even in regard to the Punjab and other Universities in India, so that some kind of *viva voce* or competitive test is necessary for choice among members of the same community. And there again, it has been put to me that some very profoundly educated people do not get on well in *viva voce*.

Mr. Kochikal P. Balakrishnan Tampi: Is the honourable member suggesting any recognised intelligence test?

President: Psycho-analysis (*Laughter.*)

Mr. M. Govindan: I should gladly welcome some kind of meter if one could be devised, especially for measuring character; because, that is the main trouble here. (*Mr. Kochikal P. Balakrishnan Tampi: Hear, hear.*) There are people who stoop to take bribes of just a few chuckrams, but are easily able to secure first mark in any competitive examination. That is the practical difficulty.

Sir, let us not attempt to solve all our difficulties now, in one stroke. In view of the conditions now obtaining in Travancore, the present agreed solutions are good enough.

Mr. K. K. Kuruvilla: Sir, it was only after I came to Trivandrum last evening that it was possible for me to see most of the papers connected with this question. I am personally grateful to all those who have sincerely tried to solve this knotty problem. I will go further and congratulate the communities which have

taken a lead in this matter. But, my only feeling is that all communities should have been consulted. The honourable member Mr. Kottur Kunjukrishna Pillai said that this resolution is the result of a compromise. Between whom, I do not know? Sir, there are several communities which have not been consulted on this important matter. My first request to Government, therefore, is that no action should be taken even on the unanimous conclusions arrived at on this matter, until and unless all communities are given an opportunity to have their say on the matter.

Mr. Kottur Kunjukrishna Pillai: On a point of personal explanation, Sir. The honourable member stated that I referred to some 'compromise'. I did not refer to any compromise between any two or more communities; I was referring to the compromise arrived at, in another place, between the various communities represented in the Legislature. That was the idea which I wanted to note when I used the word 'compromise'; not compromise between any two communities.

Mr. K. K. Kuruvilla: I thank the honourable member for the explanation.

In regard to the basis adopted for representation, namely, one post for one lakh, I am sorry that that rule has not been uniformly applied; for, in the case of 'other Hindus' who number about $4\frac{1}{2}$ lakhs, they have been given only 3 posts.

The House adjourned for lunch at 1 p. m. and reassembled at 2 p. m. with the President in the Chair.

Mr. K. R. Narayana Aiyar, *Director of Agriculture and Fisheries*, took the oath and signed the rolls.

Mr. K. K. Kuruvilla: I was saying Sir, that the 'other Hindus' numbered about $4\frac{1}{2}$ lakhs and according to the basis for apportionment of seats in the service they should have five representatives.

President: Order, order. Fourteen honourable members have declared their intention to speak on this and I think it will conduce to convenience if I fix ten minutes for each honourable member. I hope that it will be generally agreed to.

Mr. K. K. Kuruvilla: I hope that the time already taken by me will not come under this limit.

President: It will not have retrospective effect.

Mr. K. K. Kuruvilla: Another point that I want to raise is about the sub-division of religious communities and the place given to them. My criticism about it is that if a particular section in a religious community has five representatives and another section in that community has only one representative, the fair thing to do is to see that each section gets its chance and then start again. Take for instance the Syrian Catholic or the Jacobite

[Mr. K. K. Kuruvilla.]

Syrian. The rotation goes on and it is only after all these people are finished that other communities come. At page 3* we find that in the rotation the S. I. U. C. has only one chance and comes as No. 13. Marthoma has only one chance and comes as No. 14. In fairness, I think that each one of these communities should have regular rotation and then we must start again.

I started by saying that if a suggestion is to be acceptable, even if it is sincerely made, it must be based on strict justice and sympathy to all the communities. In fact, what I want to suggest is that as far as possible internal divisions in these communities may be left to the communities themselves which will conduce to greater unity among them. I am anxious that there should be harmony between the different communities so that in the end all the communities may come together on a common ground. I believe that these communal problems are only temporary in the history of our country and of India and that we will ultimately come to be non-communal in our out-look. Several communities such as "other Hindus", Nadars, Jacobites., S. I. U. C. and Marthoma are placed at a disadvantage when other communities are at an advantage. This must be very carefully sifted.

In regard to what we call the advisory board and the Commissioner, it depends very much on the personalities of the men who compose the committee. The criticism that I have to offer in regard to the Commissioner's work is that if he sent a man to a departmental head, he did not enquire what happened to his man. One who got into the service would be relieved after a few weeks and he would not have a chance to re-enter afterwards. The departmental heads may put in persons whom they like afterwards. If the committee consisted of persons who could understand the technicalities and who could give constructive suggestions to the Commissioner, then I think the committee would be helpful. But a committee which has not got that capacity may create communal troubles. Therefore I would appeal to those who are responsible for the appointment of the committee and the selection of the members of the committee to use their right judgment in selecting proper men. As for the Commissioner if we have the right kind of a man, he by himself can do the thing very well.

Finally, I have to say that 50,000 instead of 100,000, 25,000 instead of 50,000 and 99 instead of 51 should be made the basis. I am submitting this only for the consideration of the House. As I said before, I am at one with all public men in this country in wishing for the development of harmoniousness in the appointments to the public service. But that must be satisfactorily done through harmony on the basis of justice and sympathy.

*The reference is to Annexure II.

Mr. Kochikal P. Balakrishnan Tampi: Sir, very reluctantly I support the motion of Mr. Kottur Kunjukrishna Pillai because I confess that it is very difficult to understand the highly technical formulae of communal rotation which is perhaps much more difficult than Einstein's Theory of Relativity. Anyway it is with a defeatist attitude that I support it, because I know that we have to accept this. Although there is no use being idealistic after all, I am inclined to believe that the whole communal representation must go by the board. It is a paradox; when we say we do communal justice, justice to communities, we do very great individual injustice, injustice to individuals. The situation is piquant with humour, when half a dozen peoples, calling themselves representatives of certain organisations, or 'gangs' as they may be called, sit around the table, and dispose of the claims of thousands and thousands, or even lakhs, of individuals. Very well, I have realised that it is folly to be wise where other conditions prevail. Anyway, I am one with the mover of the motion in believing that at least to avoid multiplicity of interpellations regarding castewar statements of appointments and about communal injustice, the acceptance by this House of the resolution is necessary and I will certainly support it. The connotation and the denotation of the word 'community' also have undergone changes in common parlance with the agitation of certain peoples for Governmental appointments. There is no use one feeling superior to his neighbours. We have to go with the tide. I do not forget that there is some point in the view that appointments to State offices mean some influence. Perhaps we have to pay the penalty for the sins of some officers who have been guilty of nepotism in the past. If only the officers had adhered strictly to the spirit of one of the earliest Proclamations on the Statute Book that no relations should be appointed, certainly members would not have got up and spoken in such a tragic vein that their particular 'community was neglected' in the appointment say, of Sub-Registrars. I do not at all question the sincerity of their representations. By dint of repetition, by auto-suggestion, or some subtle psychological process, the gentlemen representing their grievances do really feel very much. It is another question whether they are logical. After all, has any particular man any community as such? Does any particular community exist as such? Accidentally I belong to a community which at *kalyana pandals* is represented as a Nair community and which I have not seen, not even envisaged. To me, my neighbours, Mr. Kuruvilla and Mr. Park, may more properly form one community. What in fact have I in common with the Nairs living in the northern part of Parur? Very little except in the matter of perhaps sentiment and sentiment encouraged by endless repetition

[Mr. Kochikal P. Balakrishnan Tampi.]

of men who have some pretence to education and who have not been adjudged to be otherwise by any competent board or by any mental hospital. Well, Sir, has any Nair as such the right to any particular office, say a medical officer? Anyway, it is a very sad state of affairs that we have to lay down a rule that the man with the minimum qualification should be taken into the public service. The proof of the pudding is in the eating of it. For public service we want the very best men. I do not find any harm in the members of any one community monopolising—again I am imbibing the language of those people—all the appointments in the service. If I had been transformed to the Government benches I would have had no hesitation to say that hereafter appointments to the services will be considered only on efficiency and character. But that is a far off cry. Till the end of time I am sure that all these so-called communities will never be agreed as to the number of appointments or the quality of appointments because by the Government recognising these communities an impetus is given to the growth of further new communities. For instance it is only during the past two or three years that I hear of one community, the Varnava community which has been voicing its grievances in regard to how Varnavas are treated by the Public Service Commissioner. Suppose a newspaper “say the Varnavas’ friend” is started by them. I am sure that in fifteen years time they would very seriously believe that they have been badly treated because no person from that community has been appointed, say, an Executive Engineer. The whole thing therefore is perfectly illogical. But as I said before it is folly to be wise where other conditions prevail. It is in that spirit that I support the motion of my friend Mr. Kottur Kunjukrishna Pillai. I never knew that he was such a past master in the matter of inventing terms. Not only in politics but in public administration also one thing which will appeal to the public imagination is the invention of terms, some catchwords, some formulae. He said very seriously without as much as moving his facial muscles about “concentric rotation”, and from the way he uttered it, it would appear I was inclined to think that it was a very well understood, commonly accepted form all over the world, a perfectly normal thing even in distant China or Canada and which I alone out of ignorance could not understand. My final appeal to this House is that so long as we claim to be educated, so long as we are members of a representative institution, it must certainly be considered as beneath our dignity to say that any particular community as such should be represented in the services or in the legislature.

Now in the heat of all these discussions we forget that we are accepting exactly what we have been fighting against all these years the claim by birth to some office. It is true that there might be some satisfaction in some places. But there may be some other "communities" which may not be quite satisfied with the present agreement. These communities may bring forth trouble.

President: That preliminary process has already started. *(Laughter.)*

Mr. Kochikal P. Balakrishnan Tampi: I was saying that at least hereafter we must make definite vows that we would not talk about these ugly affairs any more. I can understand a new honourable member coming here and speaking rhetorically, about the so-called justice and the injustice of ages in apportioning public services. But to hear experienced honourable members of an afternoon like this speaking against selective tests and competitions, to hear first rate men like my honourable friend, Mr. Govindan to speak.....

Mr. M. Govindan : I don't quite follow, Sir.

Mr. Kochikal P. Balakrishnan Tampi : Now under the agreement, a really efficient candidate but unfortunately born in a particular community, must pay the penalty for the sins of others. But we sit around the table and seem to be happy over the decisions arrived at. I am not talking against the resolution. "Fed up" to use slang, sufficiently with the talk about 'communal justice' and 'communal injustice' I am as in duty bound, to support the resolution brought forward by my honourable friend Mr. Kottur Kunjukrishna Pillai.

Mr. T. Mahommad Ismail (Nominated): I do not think it is necessary for me to discuss the report placed before us by the Public Service Commissioner especially because we are at a change and a new scheme is placed before us for consideration. The present resolution has been brought over here as passed by the Assembly, wherein, it is stated, certain motions were moved and passed. The question of public service was one of great controversy and noisy agitation for the last so many years and I am very thankful to the honourable members who brought forward these suggestions after consulting among themselves. My thanks are specially due to those honourable members who hated the word communal representation till now and who have come round to accept it. In spite of Mr. Tampi's humorous remarks, I am glad to find that he supported this motion at least very reluctantly.

Sir, in supporting this motion, some observations have to be made because several of these provisions may have to be modified in future. As stated by the mover himself this scheme is not ideal.

[Mr. T. Mahommad Ismail.]

After all, there will come a time when Mr. Tampi and his friends who cannot think of communal representation will come forward with a suggestion to throw open all the appointments on the basis of communal representation. At that time, I think, nobody will oppose that suggestion on the ground that efficiency will be impaired. Efficiency will not be impaired, Sir, if proper selection is made from particular communities. In spite of the fact that we have had Public Service Recruitment Rules working for the last three years, what was desired by the Government was not achieved. And the result was disappointing. It is nobody's fault. Rules were framed, added, altered and amended and sometimes ignored. These were necessitated by circumstances and I think it is better not to deal with the past because we have got a workable programme before us now. As stated elsewhere, it shows the maximum agreement reached between various communities.

As Mr. Kuruvilla pointed out, I think it would have been better if Government considered it proper that before consultations were made and conclusions arrived at all communities were consulted about the matter. It is true that my honourable friend Mr. Kottur stated that the motion before the House is the one which has been already passed by the Assembly; but the fact remains that only certain communities were consulted.

President : I think there has been a certain amount of misconception which I sought to clear elsewhere. Government did not take any initiative in this matter. Members of two communities approached Government and asked for permission to discuss the matter and wanted to know if Government would supply those members, so discussing, with facts, figures and information. In order to put them completely at ease, the Head of the Administration stated that they could meet in his own place, and, at any time he would be willing to give any information and would ask the officers to give all necessary information. It was made clear to the members who came to Government that Government did not regard those discussions as final or decisive. Those communities were asked to get into touch with other communities, if they agreed among themselves. If there was initial agreement between the two communities who approached Government, Government thought that there is a possibility of what is called concentric rotation. But if those two people did not agree there was no use rotating further. They came to an agreement. Then it was suggested, taking advantage of the circumstance that another House of the Legislature was meeting, that others might also be taken in to consultation. It was not restricted to the members of the Legislature either. It was left open to the communities to choose

those who should come together. Anyhow, what was done in another House of the Legislature was that they went into some kind of Committee and everybody discussed with everybody else informally, and this is the result of it. I want to guard the administration against any suggestion that they took into account only two communities and they are going to dragoon other communities into acceptance of those agreements reached by those communities alone. It was the least intention of Government to have the decisions reached, binding upon other communities or to force them upon any other community or communities.

Mr. T. Mahommad Ismail : I am thankful to the Chair for the explanation. Anyhow, whether it is the result of agreement reached between two communities, or it is a formula arrived at and accepted by the Assembly, I am very glad to say that there is a reasonable and workable programme before us. But this scheme is not without defects. It will be seen that several desirable provisions are omitted from the scope of the scheme, several departments are excluded from the operation of the rules ; communal consideration has to be adopted in one form or another in the matter of promotions and in the case of selections to the Travancore Civil Service, etc. So it is open to the Government to make the necessary alterations in consultation with members of various communities. The defective working of the Public Service Recruitment Rules for the last 3 years is due to the rules themselves. Therefore I would request the Government that the rules to be framed under the new scheme should be done in consultation with members of all important communities if it should result in success. It will be better if the rules are approved by the Legislature or by a committee appointed by the Legislature or at least by the contemplated Advisory Board. In this connection one thing I have to remind the House, especially the President, in the matter of constituting an Advisory Board. All the trouble in our State is due to the fact that members are chosen for these committees and boards irrespective of certain fundamental considerations. There are some people who are called public men of the State. I may assure you, Sir, that these gentlemen have no business of their own. They are neither agriculturists, nor merchants, nor representatives of any profession. They live by exploiting the masses. The House will excuse me when I say, that these people will make a living out of these nominations. So in nominating members to this Board it must be borne in mind that men of sterling character alone should be selected. The question of public service is the most important question in the State. If this problem is to be satisfactorily solved, those selected to this responsible office must be persons above suspicion whom people can depend and believe. With these words I support this motion.

Mr. M. K. Ananthasiva Aiyar : Even though I have great mind to support the resolution brought forward by Mr. Kottur Kunjukrishna Pillai, my conscience does not allow me to agree to the conclusions arrived at. The first thing is, that in the matter of recruitment, certain qualifications are required for the candidates. All the five millions of Travancoreans are not equally eligible for public service. We have to take into account that number from the population eligible for public service. If such a census is taken of each community, allotment can be made in accordance with their proportion of eligibility for public service.

Mr. Kochikal P. Balakrishnan Tampi : Is Mr. Ananthasiva Aiyar a believer of the "share doctrine"?

Mr. M. K. Ananthasiva Aiyar : Yes. Subject to certain conditions. With these words I oppose the resolution.

Mr. V. S. Arumukham Pillai : In the course of his speech my honourable friend Mr. Govindan was stating that communities which are not adequately represented should be given equal opportunities in the matter of public service. I submit, Sir, if that policy is not given effect to by making a provision whereby over-represented communities are prevented from getting appointments for a certain definite period there will still be this great communal injustice. Unless there is a provision to that effect justice cannot be meted out to other communities in the matter of public service.

Another point that I wish to point out to the honourable members of this House is this. We find a distinction made between Malayala Brahmins and non-Malayala Brahmins. Based on this, I submit there ought to be a distinction between the Vellala community and the Nanjinad Vellala community. Similar rules must be given in the case of Vellalas and Nanjinad Vellalas. There is a mistaken impression that this Nanjinad Vellala community is a sub-sect or rather a branch of the Vellala community. That is why I have to speak on this motion. If Brahmins can be divided into Malayala Brahmins and non-Malayala Brahmins, I believe that there are stronger grounds why there should be a division between Vellalas and Nanjinad Vellalas. In the first place, as I have often pointed out, these two communities are governed by entirely different laws and manners. Further as between these two communities there is no inter-dining and inter-marriage. What other elements are necessary to distinguish one community from another? I do not want to deal at great length with that distinction. Suffice it to point out that these two communities are entirely different and that because of the population it was not possible to allot different seats to them and therefore though the community is classified as Vellalas, there is a distinction between the two communities and this distinction ought to be given effect to in the matter

of their appointments to public service. That is the important matter that I would bring to the notice of the Government.

Then, with regard to the communal rotation, I had no time to study these things, because these papers have reached me only this morning. But, so far as I can see, the interest of two communities is specially safeguarded. I am glad that these two communities have agreed upon this question and I do not wish to talk on that too, at great length. The Nairs and the Ezhavas are the major communities. I do not quarrel with the communal rotation, but I would submit these two observations, viz., that there must be a provision barring the entry of already over-represented communities and another provision for the.....

Mr. M. Govindan May I know from the honourable member the respective population of the Vellalas and the Nanjinad Vellalas?

Mr. V. S. Arumukham Pillai: According to the last Census the Nanjinad Vellalas come to about 25,000. Now it would be not less than 30,000. The other Vellalas come to about 40,000. Why I want a separate group for the Nanjinad Vellalas is first on account of its historical importance. It has been contributing to the coffers of the State to a large extent, perhaps to a greater extent than other communities in the State. And further, this is entirely confined to Travancore. The other Vellalas included here have got scope outside the State. A serious handicap to this community is that they are entirely confined to this State and so it is that I suggest there must be a sub-group.

Mr. James Fletcher: (*Kalkulam and Vilavankod cum Neyyattinkara*): Sir, a time there was when there was no question of communal representation in Travancore. But fortunately or unfortunately it led to this state of affairs - a particular community or one or two communities came to monopolise all public services. Then, people thought that it was high time to effect a distribution of this right at least among those people who had the necessary qualifications. Unfortunately, many of the communities had not the advantage of going for higher education viz., English education. English education was the necessary qualification for getting into Government services. And again, these particular communities who have the monopoly tried to keep up the service among their own people. Lately, Government thought it worth while to bring about a reasonable distribution of Government service to various communities and appointed a Public Service Commissioner with a staff. He had to work under very many handicaps. He had many disabilities. He had to bring order out of chaos. To some extent he has succeeded and brought about reasonable order. On the foundation that has been laid by the present Public Service

[Mr. James Fletcher.]

Commissioner we are going to build up something better or higher. That is the object at present. The idea is that distribution of Government services among the people should be in such a way that it could be just, fair and equitable to all communities. Now, the Public Service Commissioner has divided the people in Travancore into various communities as they exist and tried to do them communal justice. There are still some friends who would say that distribution of government services to all communities will be wrong or undesirable. Regarding that, a few words may be said.

Mr. Kochikal P. Balakrishnan Tampi: May I know whether the member is aware of the views of the all-India Conference regarding communal representation?

Mr. James Fletcher: We are not in India, I mean, we are in Travancore and so we would consider the problems of Travancore more at present than problems affecting all India. So far as Travancore is concerned, we know there are different communities and every community claims that their right should be safeguarded and that they should be given representation in Government service. It is the refusal to recognise the principle of communal representation that has led to communal bickerings and strife. It is no use to brush aside this great problem with the contemptuous observation that the same is created by a few job hunters. I may say in reply to the honourable member Mr. Tampi, what do we see when service lists are produced on the floor of the House regarding representation of communities in certain branches of Government service.

Mr. Kochikal P. Balakrishnan Tampi: May I ask the honourable member whether he is aware that his fellow religionists in China, Japan and Russia claim communal representation in Legislature?

Mr. James Fletcher: I am not speaking of what is happening in China or Japan; I am thinking of Travancore and Travancore alone. Let my friend ask questions about Travancore.

Mr. Kochikal P. Balakrishnan Tampi: Does he say in general or with reference to a particular appointment?

Mr. James Fletcher: In general.

When the list is produced here to show how the Government appointments are given to members in different communities, we find that certain communities have got all the monopoly. Those who are fortunate to have been born in that particular community will be glad that such a chance is given to them alone. However, my friend would say that if 12 talented men are born in the Pulaya or Cheramar community what are we to do under the present rules? Under the present rule they all cannot get Government service except

a small proportion. Now, he is very sorry for those people. He is very anxious about their condition. Of course, he would shed crocodile tears for their sake. He is very anxious about these 12 persons who may be born in that unrepresented community which might fail to get full representation. Twelve people may be born and out of them two may get Government service. Talented men will get their share in other services. Let him not be sorry that these rules will stand against these 12 people.

Mr. Kochikal P. Balakrishnan Tampi : Let me say that I meant only euphemistically to say that in some communities there will not be talented people. (*Laughter.*)

Mr. James Fletcher . Yes.

One of the causes for the cry of communal representation is that, in a country like Travancore the income from Government service is considered to be better than what is got from outside.

President : Order, order. As there are some more members who desire to speak, the honourable member will abbreviate his remarks.

Mr. James Fletcher . Yes Sir. At least this resolution has got the appearance of recognising that communal justice will be done to all people. Then, Sir, I may state that this is to be passed only as an experimental measure to be worked out for a certain number of years. Now 51 which is taken as the unit will have to be changed when the next Census comes and there will be proportionate changes in other respects. However, as an experimental measure these resolutions can be worked out and if they are found to be inadequate changes may be brought in due time.

Mr. T. K. Kittan (Vaikam, Kottayam and Changanacherry cum Peermade) : ബഹുമാനപ്പെട്ട മെമ്പർ മി. കോട്ടൻ കണ്ണൻ കൃഷ്ണപിള്ള ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന പ്രമേയത്തിൽനിന്നും ഹർ-ാംവകുപ്പ് എടുത്തു കളഞ്ഞു ബാക്കിയുള്ള എല്ലാത്തന്നോടും ഞാൻ യോജിച്ചു കൊള്ളുന്നു. ഹർ-ാംവകുപ്പിൽ പറയുന്നത് കമ്മീഷണർ അവർകളെ ഉപദേശിക്കുന്നതിനു 'നൂ പുരുഷന്മാരും ഒരു സ്ത്രീയും ഉൾപ്പെട്ട ഒരു കമ്മിറ്റി വേണമെന്നാണ്. ആ പുരുഷന്മാരുടെ ജാതിയും മതവും പറഞ്ഞിട്ടുണ്ട്. എന്നാൽ സ്ത്രീ മെമ്പറിന്റെ ജാതിയും മതവും പറഞ്ഞിട്ടില്ലാത്തതുകൊണ്ടു അവരെ തിരഞ്ഞെടുക്കുന്നതിൽത്തന്നെ അഭിപ്രായവ്യത്യാസവും ബഹുവ്യയങ്ങളായേക്കാം. ഉപദേശക സമിതിയെക്കൊണ്ടു ഉപദ്രവം ബഹുവ്യയങ്ങളാകുവാനാണധികമെളുപ്പമുള്ളത്. ആയതുകൊണ്ടു ഉപദേശകസമിതിയെ കൂടാതെത്തന്നെ ഇപ്പോഴത്തെ കമ്മീഷണർ അവർകൾ അടുത്ത മൂന്നു വർഷങ്ങളിലെ നിയമനം നടത്തുന്നതെന്നായിരിക്കുമെന്നുള്ള എന്റെ അഭിപ്രായം രേഖപ്പെടുത്തിക്കൊണ്ടു പ്രമേയത്തെ പിൻതാക്കുന്നു.

Mr. G. Narayana Aiyar: Sir, I also like to make a few observations on the motions under discussion. First of all, I wish to point out that responsible men have openly stated that several mistakes are to be found in the last Census Report as regards figures of certain communities. So, to act on the figures of last Census is not proper. Another Census is expected very shortly. Under those circumstances I would suggest whether it is not advisable to wait for a year or more and frame proper rules after the next Census so that we may not have the necessity of correcting the rules now proposed to be passed. If such a position is acceptable, it may give lesser room for complaints. So, I submit that the consideration of this matter may be postponed to some other future date, soon after the coming Census.

President: That matter has been engaging the serious attention of Government. The next Census may be completed in 1941 and the result would become available in 1942 or probably in the early part of 1943. Is that not so, Mr. Govinda Pillai?

Mr. M. Govinda Pillai: It will not be improbable. Latest communications from the Imperial Census Commissioner indicate that they are considering whether it is not economically advisable to postpone the Census for the present moment.

Mr. G. Narayana Aiyar: If there is not the possibility of the Census being taken in the immediate future, I do not press that point.

As regards recruitment from various communities to the public service, I would suggest that literacy should be the test for the distribution of various appointments and not mere population basis. If that is done, it will be an incentive for the illiterate backward communities to become literates as early as is possible and get their quota.

As regards suggestion 1 (a), the employment of Munsiffs, I take serious objection to that recommendation. First of all, the peace and prosperity of a nation depend upon the proper administration of justice. The major part of the work of the administration of justice is being done by Munsiffs. We have seen from the report on the Administration of Justice for the last half a dozen years that Government had to remark continuously that the work of the Munsiffs was generally unsatisfactory throughout. Year after year we find the remarks becoming stronger thus showing that the position has not improved. That being the case even after we have taken all the safeguards in the matter of appointment of Munsiffs to say we should give up all those safeguards and follow communal rotation, I think, is not right or proper. At least in

the employment of Munsiffs, Government should take efficiency as the sole test and no other consideration should be taken in that matter.

I would also oppose the suggestion for the abolition of competitive tests. They are safe tests in very many ways and should not be abolished. The most deserving from all communities have a chance for entrance if competitive tests are conducted. These are the only relevant observations that I wish to make.

Mr. K. M. Kesavan : I also heartily support the motion brought forward by Mr. Kunjukrishna Pillai. But I fear in supporting the motion I stand the danger of being questioned about the capacity of my intellect according to the criterion adopted by the honourable member Mr. Tampi. Representation in public service has been the bone of contention among the different communities in the State for a long time. Much was said here in the name of efficiency. I fear there is absolutely nothing in the motion before the House which takes away efficiency altogether. It is provided clearly that when there are more hands than are necessary, with the minimum qualification, in the same community, the best may be taken. I do not think therefore there is any sacrifice of efficiency. With regard to recruitment to the higher grade, efficiency is made the only test. So, I do not think, the "twelve talented men" of backward communities referred to by an honourable member will suffer. As a result of the working of the Public Service Recruitment Rules, there has been much heart-burning and a situation has arisen over which we cannot close our eyes. It was replied by the honourable member concerned that nothing has been done against the provisions of the rules. I believe him and I presume that he is a man of perfect integrity. But, nevertheless, I do not think, a man of his position and the departmental heads are mere machines. There is nothing wrong in our assuming that the departmental heads and the member concerned have a certain amount of common sense and discretion and they are not inanimate materials. If there is anything wrong, if some serious injury was being done in regard to the working of certain schemes, certainly, it stands to reason that such defects might have been rectified and such recommendations for rectification would have been allowed by Government. There have been ever so many instances of that kind. So I do not think I can absolve the honourable member or the departmental heads or the Public Service Commissioner from the sins into which they were consciously or unconsciously entrapped. However, if the motion before the House is carried, I think it will pave the way for the restoration of communal concord and harmony.

Mr. E. K. Kuriyppe : സർ, കൂടുതൽ ഉദ്യോഗങ്ങൾ കൈവശം വച്ചുകൊണ്ടിരിക്കുന്ന നായർ സമുദായത്തിൽപ്പെട്ട ഒരു മെമ്പർ തന്നെ ഇങ്ങനെ ഒരു പ്രമേയം അവതരിപ്പിച്ചിരിക്കുന്നതിൽ എനിക്കു വളരെ സന്തോഷമുണ്ട്. അനേകകൊല്ലമായി പല സമുദായക്കാരും ചേർന്ന് മുറുപ്പിട്ട കൂട്ടിയതിന്റെ ഫലമായാണ് പബ്ലിക് സർവീസ് കമ്മീഷണറുടെ നിയമിച്ചിട്ടുള്ളത്. എന്നാൽ അദ്ദേഹത്തിന്റെ ഇന്നുവരെയുള്ള പ്രവർത്തനത്തെ പരിശോധിക്കുന്നതായാൽ സിറിയൻ കത്തോലിക്കർക്ക് അതുകൊണ്ട് പറയത്തക്ക പ്രയോജനമൊന്നും കിട്ടിയിട്ടില്ല എന്ന് ബോദ്ധ്യമാകുന്നതാണ്. പ്രമേയത്തിൽ പറഞ്ഞിരിക്കുന്നത് പോലെ വളരെ സ്റ്റാറ്റസ് ഉള്ള ഒരു പബ്ലിക് സർവീസ് കമ്മീഷണറേയും ഒരു അഡ്വൈസറി ബോഡും നിയമിച്ച് എന്തെല്ലാം ചട്ടങ്ങൾ ഉണ്ടാക്കിയാലും അതിനെ പ്രവർത്തിപ്പിക്കുവാനുള്ള വരുത്തുന്നതിനു കർമ്മമായ നടപടികൾ നടത്താത്തപക്ഷം യാതൊരു പ്രയോജനവും സിദ്ധിക്കുന്നതല്ല. പബ്ലിക് സർവീസിൽ ന്യായമായി ലഭിക്കേണ്ട അവകാശം ചില സമുദായക്കാർക്ക് സിദ്ധിക്കാത്തതിനാലാണ് സമുദായങ്ങൾ തമ്മിലുള്ള മൽസരത്തിന് കാരണമെന്ന് ഇന്നത്തെ ഭരണാധികാരികളുടേതെന്ന ബോദ്ധ്യപ്പെട്ടിട്ടുണ്ട്. എല്ലാ സമുദായപ്രമാണികളും യോജിച്ച് റിക്രൂട്ട്മെന്റ് വിഷയത്തിൽ ഒരു തീരുമാനം ഉണ്ടാക്കുന്നതിന് അവരെ ഉത്സാഹിപ്പിച്ചു എന്നുള്ളതുകൊണ്ടുതന്നെ അത് സ്പഷ്ടമാകുന്നുണ്ട്.

Mr. Kochikal P. Balakrishnan Tampi : ഈ സമുദായ പ്രമാണികളെ നാട്ടിന്റെ ഏതു ഭാഗത്തു ചെന്നാൽ കാണാം?

Mr. E. K. Kuriyppe : യോഗ്യന്മാരെ എല്ലാ സ്ഥലത്തും കാണാം.

Mr. P. R. Godavarma Raja (Edavagai) : I support the motion before the House. We owe a deep debt of gratitude to the other House for evolving a formula of recruitment to the public service of the State. It may be that the present scheme is not an ideal one. There is of course scope for improvement. Nevertheless, after working the present scheme for some time we may hope that a still more satisfactory solution of the communal problem will be arrived at. Our public life has been to a large extent, tainted by this canker of communalism. Unless we root out this disease we cannot succeed in our national advancement. So far as the suggestion that competitive tests should be abolished, I am not at all at one with the honourable member who advocated that. However bad may be the system of recruitment by competitive examination, that is the only method by which you can test the intelligence or efficiency of a person. In other countries also that system has been found

to be the only practical method. As regards the Advisory Committee proposed in the present scheme, I am of opinion that the personnel of the Committee determines how far it can be successful. People who have got sterling character alone should be appointed to function in the Advisory Committee. With these words, I support the motion before the House.

Mr. Thomas Chandy Mukkadan : സർ, ഈ സഭയുടെ പരിചിന്തനത്തിന് വിഷയമായിരിക്കുന്ന ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നതിന് എനിക്കു പല കാരണങ്ങളാലും സന്തോഷമുണ്ട്. നിയമസമിതികളുടെ പരാഷ്കരിച്ച കാലം മുതൽ തിരുവിതാംകൂറിന്റെ നാനാഭാഗങ്ങളിൽ നിന്നുമുണ്ടായ മുറവിളി സമുദായപ്രാതിനിധ്യത്തെ സംബന്ധിച്ച് ശാശ്വതമായും ശരിയായും ഉള്ള പദ്ധതികൾ അതിന്റെ കാര്യക്ഷമമായ നിർവ്വഹണത്തിനുവേണ്ടി സ്വീകരിക്കപ്പെടണമെന്നതാണ്. വിദ്യാഭ്യാസാഭിനോദ്യമകളിൽ ഒരോ സമുദായങ്ങളിലേയും ഗണനീയ വാദഗങ്ങളുള്ള നിലവാരം സരിച്ച് രാജകാര്യസംഘാസ്യമായ കാര്യങ്ങളിൽ അവരുടെ പങ്ക് നിർവ്വഹിക്കണമെന്നുള്ള അവകാശബോധവും താല്പര്യവും പൊതുവെ ഉണ്ടായതോടുകൂടി ഉദ്യോഗാത്മികർ സമുദായങ്ങളുടെ പ്രാതിനിധ്യം വഹിച്ച് ഗവണ്മെന്റു സമക്ഷം ഇതിലേക്കുവേണ്ടി വാദം തുടങ്ങി. ഈ വാദത്തിന് പ്രാബല്യം ഉണ്ടാക്കിയതു വിനാശകാരികളായ ഏതാനും ചിലരുടെ വിക്രിയകളായിരുന്നു. സമുദായപ്രാതിനിധ്യവാദത്തിന് ശരിയായ ഒരു തീരുമാനം വരുത്തുന്നില്ലെങ്കിൽ മറ്റു യാതൊരു കാര്യമായുള്ള സംഗതികളിലും ജനപ്രതിനിധികൾക്കോ ഗവണ്മെന്റിനോ സ്വൈരമായി ചിന്തിക്കാനും കാര്യമായി പ്രവർത്തിക്കാനും നിവൃത്തിയില്ലെന്ന മട്ടായി. മനുഷ്യരുടെ സാമ്പാദ്യികമായ ജീവിതത്തെ സ്വൈരമായ നിലയിൽ നയിക്കാൻ സാധിക്കാത്തവിധം സമുദായപ്രാതിനിധ്യത്തിനും ഉദ്യോഗസ്ഥാഭിനോദ്യമത്തിനും വേണ്ടി ഉദ്യോഗാത്മികളായ പലരും മുന്നോട്ടുവന്നു വിഷമിപ്പിച്ചു തുടങ്ങി എന്നു സാമുദായികമായ പരിവർത്തനങ്ങളേയും രാഷ്ട്രീയമായ പരിപാടികളേയും സംബന്ധിച്ച് ശരിയായ അറിയുന്ന രാജകാര്യവിചിന്തകന്മാർ സമ്മതിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. അടുത്തകാലത്തു മതപരിവർത്തനം തന്നെയും നടത്തിക്കൊണ്ടു സമുദായത്തിന്റെ നാമത്തിൽ—മതത്തിന്റെ നാമത്തിൽ—ഉദ്യോഗത്തിന്നുപേക്ഷിക്കുന്നതു ഇവിടെ കാണാനായി. ഒരു പ്രാട്ടസ്റ്റന്റുകാരൻ കത്തോലിക്കനായിത്തീർന്ന് അവന്റെ മതസംബന്ധമായ കാര്യങ്ങൾക്കുവേണ്ടിയെന്നാലും, അവന്റെ സമുദായത്തിന്റെ സ്ഥിതിഗതികൾ എങ്ങനെയെന്നാലും, അവന്റെ വിശ്വാസപരമായ സ്ഥിതിഗതികൾ എങ്ങനെയെന്നാ

[Mr. Thomas Chandy Mukkadan.]

ലും—ഇവിടെ ഒരു സമുദായത്തെ ആക്ഷേപിക്കണമെന്നോ ആക്രമിക്കുകയും മനോവേദന ഉണ്ടാക്കണമെന്നോ എനിക്കുശേഷം ആഗ്രഹമില്ല—അവന്റെ കുടുംബജീവിതം, സ്വാതന്ത്ര്യം ഇവയെ സ്വൈരപ്പെടുത്തുന്നതിനായി ഉദ്യോഗസ്ഥന്മാരുടെ ശ്രമിച്ചുവരുന്നു. യഥാർത്ഥത്തിൽ രാജ്യത്തിന്റെ നന്മയെ മോഹിക്കുന്ന രാഷ്ട്രീയ ചിന്തകന്മാർ സുസ്ഥിരമായ ഒരു തീരുമാനം ഈ വിഷയത്തിൽ വരുത്തിവെച്ചത് ഈ വാദം തുടർന്നുകൊണ്ടിരുന്നാൽ രാജ്യത്തിന്റെ ഐക്യവും മുന്നോട്ടു പോകുകയില്ലെന്നുള്ള ബോധ്യത്തോടുകൂടിയാണ്.

സർ, വർഗ്ഗീയപ്രാതിനിധ്യത്തിന് എതിരായി പ്രവർത്തിച്ചുവന്നവർക്കു തന്നെ അതിലേക്കു ഒരു ശരിയായ മാറ്റം നിർദ്ദേശിക്കാനിടയായതു തിരുവിതാംകൂറിലെ ഭാവിജനതയുടെ ഭാഗ്യമെന്നു ഞാൻ കരുതുന്നു. അങ്ങിനെ ഒരു പ്രമേയം അവതരിപ്പിക്കാൻ പ്രേരകമായിനിന്നു സർവസമുദായ മൈത്രിയായി പ്രവർത്തിച്ചവരെ ഞാൻ അനുഗ്രഹിക്കുകയുണ്ടു.

ഉദ്യോഗസ്ഥന്മാരുടെ ഒരു സമുദായത്തിനുമായിരിക്കേണ്ട സകല യോഗ്യതകളും തികഞ്ഞിട്ടുള്ള സിറിയൻ കത്തോലിക്കർക്കു നൽകിയിട്ടുള്ള പ്രാതിനിധ്യമെന്നെ ചിന്തിക്കുമ്പോൾ കഴിഞ്ഞ മൂന്നു സംവത്സരക്കാലമായി പബ്ലിക് സർവീസ് കമ്മീഷണർ നടത്തിയ നിയമനങ്ങളെപ്പറ്റിയും അദ്ദേഹത്തിന്റെ ആഫീസിൽ നടന്ന അഴിമതികളെപ്പറ്റിയും വളരെയൊക്കെ പ്രസ്താവിക്കേണ്ടതായിട്ടുണ്ടായിരുന്നാലും ഒരു പരിവർത്തനത്തിനായി ശ്രമിക്കുന്ന ഈ ഘട്ടത്തിൽ ഞാൻ ആ സംഗതികളെ വിട്ടുകളയുന്നു. ഇന്നത്തെ പബ്ലിക് സർവീസ് കമ്മീഷണർ ഒരു പാശ്ചാത്യനും നീതിനിഷ്ഠനും പ്രാപ്തനാണെന്നു നീതിന്യായവകുപ്പിൽനിന്നു പേരുസ്ഥാപിച്ചു കൊള്ളാം. ഇങ്ങിനെ മഹായോഗ്യനായിരിക്കുന്ന പബ്ലിക് സർവീസ് കമ്മീഷണറുടെ അധീനതയിലുള്ള ഡിപ്പാർട്ടുമെന്റുതന്നെയും ഉദ്യോഗവിതരണത്തിൽ എത്രത്തോളം ഭ്രഷ്ടിച്ചു പോയിട്ടുണ്ടെന്നുള്ള വസ്തുത മറച്ചുവെക്കുവാനു ഒരു പരമാർത്ഥമല്ല. ഇവിടെത്തെ സ്ഥിതിഗതികൾ നേരിട്ടറിയാൻ കഴിയാത്ത അദ്ദേഹത്തെ ഉപദേശിക്കുന്ന ചില ഉദ്യോഗസ്ഥന്മാർ പല വിക്രിയകൾ നടത്തിയിട്ടുണ്ടെങ്കിലും അവകളെ ഈ ഘട്ടത്തിൽ വിസ്മരിക്കേണ്ടത് ഒരു രാജ്യസ്നേഹി എന്ന നിലയിൽ എന്റെ കടമയാണെന്നാണ് ഞാൻ വിചാരിക്കുന്നത്. ഇങ്ങിനെയുള്ള ഉപദ്രവങ്ങൾ ഇനിയും ആവർത്തിക്കാതിരിക്കണമെങ്കിൽ ഓരോ സമുദായത്തിന്റെയും യഥാർത്ഥമായ ഒരു സ്ഥിതിയും അതതു സമുദായത്തിനു നൽകേണ്ട സ്ഥാനവും ഇന്നതാണെന്ന് ഉപദേശിക്കത്തക്കവിധമുള്ള ഒരു സ

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മിതി ഇന്നത്തെ പബ്ലിക് സർവീസ് കമ്മീഷണർ ഈ വകുപ്പിന്റെ അദ്ധ്യക്ഷനായിരിക്കുന്ന കാലത്തോളമെങ്കിലും ഉണ്ടായിരിക്കണം. ഈ രാജ്യത്തെ സമുദായങ്ങൾ തമ്മിലുള്ള വഴക്കു മേലാൽ തുടൻ രാജ്യത്തിന്റെ ഉത്തമ താല്പര്യങ്ങൾക്കു കടുപ്പം വരാതിരിക്കണമെന്നുള്ള ആഗ്രഹം ഈ പ്രമേയപ്രയോക്താവാണുണ്ടെന്ന് എനിക്കു വിശ്വാസമുള്ളതിനാൽ ഞാൻ ഈ പ്രമേയത്തെ ആത്മർത്ഥമായി അനുകൂലിച്ചുകൊള്ളുന്നു.

Mr. N. Krishna Aiyar : Sir, I beg to differ in one or two fundamental points. I agree with my honourable friend Mr. Narayana Aiyar in thinking that, at least, the employment as Munsiffs, should not be brought under the Public Service Recruitment Rules. Efficiency and character alone should be the sole and main tests in the recruitment of Munsiffs, as the chief function of the Government is the administration of law and justice. Therefore, I repeat that in the selection and recruitment as Munsiffs, the choice must be left to the honourable Judges of the High Court.

Mr. T. Mahomed Ismail : May I know from the member whether the Magistrates are also not administering justice?

Mr. N. Krishna Aiyar : It is true. But they are already being recruited both from the bar as well as from certain departments. Now, as a matter of fact we all know that Munsiffs are recruited both from the bar as well as from the members of the ministerial service of the Judicial Department. It is the Judges of the High Court who are the best and most competent body to judge the merits and demerits of particular individuals so chosen as Munsiffs in the Judicial Department.

Secondly, recruitment to public services being made from the literate or educated classes and not from the masses as a whole, I am of the view that the mass population or total strength should not be the basis, but the literate or the educated population of each community should be the basis for recruitment.

Though the observation from the Dewan-President and the Census Commissioner have enlightened us that the Census which is now under contemplation may be farther off than we expected, still whatever rules may be framed now may be made operative only up to the time when the results of the next Census are known, because, the population which is now held as the basis of ratio, should not be the population of a decade ago, but what it is when the rules are made operative.

Lastly, I find that in the composition of the advisory committee one of the enlightened communities in the State, the Brahmin community, though a minority community, is excluded altogether. Either the rules must be framed and the Public Service Commissioner be asked to administer them according to the spirit of the

[Mr. N. Krishna Aiyar.]

rules or the committee must consist of representatives of persons chosen from all the different communities mentioned in the recruitment rules. With these exceptions or modifications I support the motion.

Mr. Kottur Kunjukrishna Pillai: I am very happy to find that there has been general agreement with regard to the proposition before the House. Only, one or two points have been raised here regarding the details. I wish to refer to one point especially and that is the one raised by my honourable friend Mr. Kuruvilla regarding the representation of "other Hindus." In the proposition before the House "other Hindus" have been divided into 'forward Hindus' as well as 'backward Hindus.' In the grade 'forward Hindus' certain communities like the Kshatriyas, Mudaliyars, Ambalavasis etc., are included and those come to just less than 50,000, and a seat is given to them. If they are clubbed together with the 'backward class Hindus' the backward class Hindus will suffer. There is no reduction in the number of seats given to other Hindus as a whole. My friend did not take into account special representation given to the Kurava and the Paraya and other backward Hindus. Those together will come to 5 seats and five seats alone are claimed by my friend on behalf of other Hindus.

With regard to the order of rotation of the various communities, any arrangement can be criticised because some community has to be put first. But after all the advantage, if any, is only till the first round is over. I do not think there is much in that. An arrangement must give equitable chance to all communities. That point can be agreed to.

A word about the recruitment of Munsiffs. It has to be pointed out that even the honourable High Court had adopted some kind of communal rotation for recruitment to the cadre of Munsiffs till recently. That fact has to be borne in mind by my honourable friends Mr. Narayana Aiyar and Mr. Krishna Aiyar who by the way have signed a memorial almost on identical lines with these resolutions just now before the House. Then with regard to the efficiency criterion which should be observed in recruiting Munsiffs, the Laws Delays Commissioner, who suggested methods for the recruitment of Munsiffs, has admitted the difficulty in choosing Munsiffs on the basis of efficiency test, because, if the best material should be recruited, they must be got while they are still young and while they have not established themselves sufficiently in the profession. For, if they have established themselves sufficiently in the profession, the best among them will not be available for appointment as Munsiffs in the Munsiff's cadre. Practically speaking, nobody says that inefficient people should be appointed. In any event

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efficiency will not suffer more than it does now. Indeed, we do not say that we are providing rules for recruitment for the selection of the very best. That does not mean that there is no consideration for efficiency. For the sake of harmony, a workable minimum of efficiency shall be fixed.

I do not wish to say anything regarding the bantering speech of my honourable friend Mr. Balakrishnan Tampi. It is very easy, nay even tempting, to venture in that direction. You cannot make a very attractive speech in support of communal representation. But it is very easy to make a speech full of humour and sarcasm if you stand for the ideal of efficiency. My friend is in a happy position to continue in that direction; but he himself has realised that he is an "ineffective angel, beating his luminous wings in the void" when he was attempting to oppose the motion. All the same, Sir, I thank him for giving his general support to the motion.

With these words, I commend the motions for the acceptance of the House.

The motions were put to vote and carried.

LEGISLATIVE BUSINESS.

DISCUSSION OF THE REPORT OF THE DEBT RELIEF ENQUIRY COMMITTEE.

Mr. Puthupally S. Krishna Pillai : I rise to introduce the Report of the Debt Relief Enquiry Committee. In doing so, I may be permitted to put it to the House whether they would now think it worth while to discuss in detail the recommendations of the Committee, in the light of the assurance already given by Government....

President : I might inform the honourable members of this House that, after careful consideration of this matter, having regard to the general feeling on this matter which has made itself felt and which has been expressed publicly, Government have decided to summon a Joint Session of the two Houses, during the first week of March, for the purpose of considering this matter.

Mr. Puthupally S. Krishna Pillai : In view of that announcement, I do not wish to add anything. It is entirely left to the House whether they would discuss the Report now or not.

Mr. Kochikal P. Balakrishnan Tampi : May I know from the Legal Remembrancer, whether, under the present constitution, it is permissible to call together a Joint Session except for the Dewan-President to address?

President : The matter has been looked into. In the Assembly and Council Rules, provision has been made for Joint Committees composed of an equal number of representatives chosen from both the Houses. But, there is provision under Parliamentary